

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Western District of Texas

United States of America

v.

ELTON VALLARE

Case No.

SA17-MJ-687

By

06/14/17
Clerk, U. S. District Court
Western District of Texas

Deputy

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 11, 2017 in the county of Bexar in the
Western District of Texas, the defendant(s) violated:

Code Section

18 U.S.C. 2252A(a)(2)

Offense Description

Distribution of Child Pornography

MAXIMUM PENALTIES: Minimum 5 years imprisonment, Maximum 20 years imprisonment, \$250,000 fine, lifetime supervised release, \$100 special assessment, \$5,000 assessment for JVT, Restitution and Forfeiture.

This criminal complaint is based on these facts:

See attached affidavit

☒ Continued on the attached sheet.

Complainant's signature

Rex Miller, Special Agent, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date:

6/14/2017

City and state:

San Antonio, Texas



Judge's signature

JOHN W. PRIMOMO, U.S. Magistrate Judge

Printed name and title

COMPLAINT AFFIDAVIT

I, Rex Miller, being duly sworn, depose and state that:

1. I am a Special Agent ("SA") of the Federal Bureau of Investigation ("FBI") and have been so employed since January 2004. I am currently assigned to the San Antonio Division of the FBI. I am assigned to the Violent Crimes against Children Section and as such, I investigate crimes against children, including the trafficking and possession of child pornography. I am a former headquarter supervisor in the Research and Development Unit within the Innocent Images Program, the program that investigates these violations. I have received particularized training in the investigation of computer-related crimes, Usenet, peer-to-peer computer networking, and online (i.e. Internet based) crimes against children. I have conducted and been involved in numerous investigations of individuals suspected of producing, distributing and receiving child pornography and have participated in the execution of numerous search warrants which have resulted in the seizure of multiple items of child pornography. I have had the occasion to become directly involved in investigations relating to the sexual exploitation of children, to observe and review extensive examples of child pornography in various media formats, including computer-based formats. I have also received training in the investigation and detection of cases involving the sexual exploitation of children and child pornography.

2. This affidavit is being submitted in support of a Criminal Complaint for **ELTON VALLARE**, date of birth: October 21, 19XX, address: XXX Southwest 42nd Street, San Antonio, Texas.

3. On 06/01/2017, as well as other dates, SA Miller reviewed the Law Enforcement System regarding IP address 66.25.88.15. This IP address has been associated with Files of Interest (files associated with the exploitation of children) since 07/01/2016 to 03/19/2017 on the BitTorrent network. This IP address was determined to belong to the residence occupied by Vallare at XXX Southwest 42nd Street, San Antonio, Texas.

4. On 03/11/2017, SA Rex Miller used a BitTorrent application to conduct undercover investigations into the Internet sharing of child pornography. During this investigation a computer sharing child pornography was located on the BitTorrent files sharing network. SA

Miller downloaded file(s) from a sharing client which had an IP address which was recorded along with the date and time of the file transfer. SA Miller downloaded 4 files. Three of the files were of prepubescent females. The files depict the prepubescent females in sexually explicit positions or sexual acts. The IP address assigned to the computer sharing these files is 66.25.88.15. The subject computer reported it was using the BitTorrent client named, BitComet. One of the files is described below:

- A. File name (pthc) tara 8yr.mpg is 1:27 minutes in length. The movie file opens with a title screen, "Tara 8 years old – December 2006 ...this little bitch is fixing to get that little ass busted out..." and depicts a nude prepubescent female on her hands and knees as an adult male is sexually assaulting her from behind.

5. A United States Department of Justice (USDOJ)/FBI Administrative Subpoena was served upon Time Warner Cable Internet Services on the address XXX SW 42nd Street, San Antonio, Texas to update the identity of the subscriber and any current IP address that associated with the aforementioned address.

6. Time Warner Cable Internet Services provided information that the IP address 66.25.88.15 was assigned to Helen Hall at XXX SW 42nd Street in San Antonio, Texas, 78237, and the customer has had such service at that location since June 9, 2011. The IP address of 66.25.88.15 was still active at the residence.

7. On 06/14/2017, FBI executed a Federal Search Warrant at XXX SW 42nd Street, San Antonio, Texas. During the execution of the search warrant, Elton Vallare agreed to be voluntarily interviewed by the FBI and provided the following information.

8. Vallare advised that he lived at the residence with his mother, Helen Hall (age 80), his step-father, Ira Hall (age 100) and his uncle, Elton Reugo (approximately 75 years old). He said there were two tablets located in the residence, one in his mother's room and the other in a room adjacent to the residence in a contained carport. The carport room was identified as being utilized by Vallare. He further advised that these were the only working computers in the residence. Vallare

acknowledged that he used computers to surf the Internet and for music. Vallare also used computers while working as a logistics specialist for the military. Vallare was familiar with Peer-2-Peer programs and knew the program, BitComet, and understood how it operated.

9. Also interviewed were Ira Hall and Helen Hall. Both confirmed that Vallare used the carport room and was the only one in the residence that used computers, other than the tablet used by Helen Hall to play Solitaire.

10. Located in the carport room, occupied by Vallare, were two laptop computers and an external hard drive. A preliminary forensic review of one of the laptop computers revealed computer file names associated with child pornography. These files were located in a folder named "Downloads." These computers were concealed under a blanket with a leaf blower sitting on top of the blanket. Also found on the external hard drive were folders titled PTHC2017 and TARA. Inside the TARA folder were file names of the child pornography files downloaded by SA Miller from the computer using IP address 66.25.88.15 on 3/11/2017.

11. During the interview with Vallare, he became belligerent and the interview was terminated. Shortly thereafter, while attempting to secure two dogs who appeared prone to attack and were located in Vallare's carport room, Vallare jumped over a barricade of dog cages that separated the carport room from the rest of the house and failed to comply with instructions to stop moving forward. Vallare attempted to obtain possession of a loaded firearm, located in the same room, that had not yet been secured. After he failed to comply with verbal commands, Vallare was physically removed from the room for safety purposes.

12. Based on the aforementioned facts, your Affiant respectfully submits that there is probable cause to believe that on or about March 11, 2017, **ELTON VALLARE** did knowingly distribute

child pornography, using any means or facility of interstate or foreign commerce by any means, including by computer in violation of Title 18, United States Code Section 2252A(a)(2).

FURTHER AFFIANT SAYETH NOT,



Rex Miller, Special Agent
Federal Bureau of Investigation
San Antonio, Texas

SWORN TO BEFORE ME THIS 14th DAY OF June, 2017.


THE HONORABLE JOHN W. PRIMOMO
UNITED STATES MAGISTRATE JUDGE